

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>FABIAN SANTIAGO,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No. 05-CV-0512-MJR</b>
	)	
<b>C/O SMITHSON, C/O ANDERSON,</b>	)	
<b>C/O STARKEY, C/O BERNARD,</b>	)	
<b>LT. DALLAS, LT. SIEPP,</b>	)	
<b>WARDEN MOTE, SHERRY HILE,</b>	)	
<b>DIRECTOR WALKER, and</b>	)	
<b>J. MITCHELL,</b>	)	
	)	
<b>Defendants.</b>	)	

**MEMORANDUM AND ORDER**

**REAGAN, District Judge:**

On July 25, 2005, Santiago filed this action under 42 U.S.C. § 1983 alleging that various defendants assaulted him, threatened him, and refused to provide adequate medical treatment (Doc. 1). Santiago's amended complaint states that he is suing the Defendants in their individual capacities (Doc. 11).

As this action proceeded, Santiago was unable to execute service of process on Defendant Childers, because Childers was (and may still be) on military duty in Iraq. At one point, Santiago sought to subpoena Childers's wife in the hopes of determining Defendant Childers's exact whereabouts so as to effect service. The Court refused to subpoena Childers's wife, but informed Santiago that he could, on his own, attempt to subpoena her so long as he complied with the Federal Rules of Civil Procedure (Doc. 82). Ultimately, however, when Santiago failed to serve Childers within the allotted timeframe, the Court dismissed Childers from the action without prejudice (Doc.

83). Santiago's motions to reconsider these Orders were denied (Docs. 103 & 110).

Now, Santiago asks for permission to pursue an interlocutory appeal so as to challenge these rulings (Doc. 128). The Court **DENIES** this motion. The Court has not entered a final judgment in this case, and the circumstances do not warrant an interlocutory appeal. Santiago must therefore wait until the Court enters judgment on all claims before appealing the dismissal of any particular Defendant, including Sgt. Childers.

**IT IS SO ORDERED.**

**DATED this 11th day of August 2009.**

**s/ Michael J. Reagan**  
**MICHAEL J. REAGAN**  
**United States District Judge**